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Dr. Matthias Kleespies, Am Bächle 8, 87784 Westerheim

United States Patent and Trademark Office
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Leon B. Lankford Jr.

P. O. Box 1450

Alexandria, VA 22313 - 1460

VIA FAX to 001-571-273-8300

2005-10-27

6 pages altogether

Notice of Abandonment, Application No. 09/915,469, Examiner: Deborah K. Ware, Art Unit: 1651, NoA's Date: 10/05/2005

Dear Sir,

Once again, "astonishment" does not even roughly express my feelings upon receipt of your "Notice of Abandonment".

As you can easily see from my attachments, I **did** send the requested reply to the Office letter mailed on 2/16/05 to the **official fax number** on March, 14th, 11:59 local time, which definitely is within the requested time period of "one month or 30 days from the mailing date of this notice".

Moreover, Mrs. Ware must have had a signed copy of the requested page long before her mailing, since your Office received a **complete and signed** document already on 7th of April 2003 (please see attachments). Sending her the complete document once again in April 2004 (I do apologize for the forgotten signature) was a gesture of politeness from my side, as your Office had sent me a Notice of Abandonment based on wrong assumptions already in August 2003 (please see attachments).

This now is the second time your Office (or Mrs. Ware?) tries to simply cancel my application with definitely **untrue** claims or statements.

BEST AVAILABLE COPY

Is my invention really that dangerous for the U. S. economy? If so, thank you for the honor...:-).

However, I would greatly prefer from now on to be treated properly and without any further unnecessary conflicts by your Office I do appreciate.

I thus kindly ask you to withdraw the Notice of Abandonment mentioned above.

Kind regards,

Dr. M. Kleespies

Dr. Matthias Kleespies

SENDEBERICHT

DATUM : 14-MRZ-2005 MO 12:00
 NAME : DR. KLEESPIES
 TEL : 08336813614

TELEFON : 010790015712738300
 SEITEN : 2/2
 STARTZEIT : 14-MRZ 11:59
 UEBERTR.-DAUER : 00'42"
 MODUS : ECM
 ERGEBNIS : OK
 FEHLERHAFTE SEITEN :

ERSTE SEITE UEBERTRAGEN...



UNITED STATES DEPARTMENT OF COMMERCE
 U.S. Patent and Trademark Office
 Assistant Commissioner for Patents
 P.O. Box 1500
 Alexandria, Virginia 22115-1400

APPLICATION NO. CONTROL NO.	FILED DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Tax return
2 pages

EXAMINER

ART UNIT	PAPER
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20060215

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Communication for Patents

The proposed reply filed on April 2, 2004, has not been entered because it is unsigned. Since the above mentioned reply appears on the back side, applicant is given a THREE MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the extension or authorization in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.120(a). Applicant is requested to please sign the attachment which is a copy of the last page (the signature page) of the memorandum that has not been signed and return to the Patent and Trademark Office for scanning into PDF. The signed page may be scanned via fax (note as marked) or otherwise. Additional criteria, however, please note that if the signed paper is to be filed Applicant should use the indicated fax number as indicated below. No resale please.

Any inquiry concerning this communication should be directed to Deborah K. Ware at telephone number 171-272-0824. The official fax line is 171-272-8306.

Deborah K. Ware
 DEBORAH K. WARE
 PATENT EXAMINER
 Deborah K. Ware
 February 15, 2005

Regards,
M. Kleespies

01079. 001-571-271.8200

PTCH001 (Rev. 04-03)

2-APR-2004 17:32 UON:DR. KLEESPIES 08336813614

AN:010150017038729306 S:6/7

Perhaps, I could describe the term more clearly as „organic wastes from food industries utilisable as nutrients by sugary kefir cultures“.

„Propellant“: see above (Kulzarni)

Chemically modifying: A suggestion for a clearer formulation: The polymer or polymer mixture is modified by agents attacking one or more of the polysaccharide's OH-groups rendering the polymer more hydrophobic or interlinking compartments of the polymer according to the degree of modification. This step is carried out under conditions suitable for such a modification. A suitable agent for example could be the anhydride of acetic acid.

Dear Mrs. Ware, I hope that I could clarify the ambiguous passages in my patent. I cannot see that anyone of skill could have derived my invention from the existing literature. The only paper containing the phrases „sugary kefir“ and „drying“ you could find to support your thesis of „anyone of skill could have derived...“ is that of Pidoux et al. How large is – according to your estimates – the probability that I intentionally found this one paper among the billions of scientific papers and/or patents to subsequently derive my invention from it? Why did Pidoux et al. themselves did not describe anything really resembling my invention if anyone of skill could have derived the invention from it. Who could be more skilled than Pidoux et al. if it were that simple?

I would like to call you by phone in a few weeks to discuss a possible way with you that could lead to the US-Patent I desire.

Best regards,

Dr. M. Kleespies

Dr. Matthias Kleespies

Notice of Abandonment

Application No.

09/915,469

Examiner

Deborah K. Ware

Applicant(s)

KLEESPIES, MATTHIAS

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/31/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 07 April 2003 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The response to the non-final action of December 31, 2002 was not received by the office within the shortened statutory time period for reply set forth in the last office action or filed with an extension of time under 37 CFR 1.136(a). Also note 35 USC 133.

DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1651

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 11

Dr. Matthias Kleespies, Am Bächle 8, 87784 Westerheim, Germany

United States Department of Commerce
United States Patent and Trademark Office –
Patent Examiner David M. Naff
Primary Examiner
Washington, D. C. 20231
USA

Westerheim, 2003-09-17

Notice of Abandonment, Application No. 09/915,469
Title: Process to create solid bodies, and uses for such bodies
Serial No.: 09/915,469, Group: 1651
Filed: May 21, 2001, Applicant: Matthias Kleespies

Dear Mr. Naff,

thank you for filing your Notice of Abandonment.

I understand why you sent me this notice, but I don't understand the conclusions you drew to send me the Notice.

I also sent the complete answer to the Office letter of 12/31/02 via email to the US Patent Office on 3/30/03 (please see attachment), which certainly was within the requested time period.

I therefore want to kindly ask you to withdraw the holding of abandonment under 37 CFR 1.181.

What else will be necessary from my side to „heal“ the holding of abandonment?

Best regards,

M. Kleespies

Dr. Matthias Kleespies

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